

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

XYZ CORPORATION,

Plaintiff,

v.

THE UNINCORPORATED ASSOCIATIONS
IDENTIFIED IN SCHEDULE A,

Defendants.

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Case No. 1:23-cv-00673 (PTG/JFA)

ORDER

This matter comes before the Court on Plaintiff's *Ex Parte* Motion for Temporary Asset Restraint and Expedited Discovery ("Motion"). Dkt. 28. The Court held a hearing on the Motion on June 8, 2023. Upon consideration of the Motion, the Verified Complaint (Dkt. 6), the memorandum and exhibits in support of the Motion, and counsel's arguments, and for the reasons stated in open court at the June 8, 2023 hearing, the Court finds and concludes that, pursuant to Federal Rule of Civil Procedure 65(b)(1), a sufficient showing has been made to issue a temporary restraining order without notice to Defendants identified in Schedule A to the Verified Complaint ("Defendants") because, if notice is given to Defendants, it is likely that Defendants will evade the reach of this Court, which will detrimentally impact Plaintiff's ability to seek redress.

Further, the Court finds and concludes that a sufficient showing has been made to restrain temporarily the transfer of any assets from Defendants' PayPal and Alipay accounts associated with the sale of counterfeit goods bearing Plaintiff's federally-registered trademarks, including an adequate showing as to the likelihood of success on Plaintiff's claims that Defendants have used Plaintiff's trademarks without authorization, which will continue to cause confusion, mistake,

and/or deception among consumers and the public as to Plaintiff's products and dilute the distinctive quality of Plaintiff's trademarks; the threat of irreparable harm to Plaintiff as a result of Defendants' alleged continued infringement and the risk that Defendants will transfer all assets from their accounts in the absence of a temporary freezing of their accounts (potential harms which outweigh any demonstrated harm Defendants will suffer from the temporary freezing of assets in their accounts); the balance of equities in Plaintiff's favor; and the public interest that strongly supports granting the temporary freeze of assets.

The Court further finds and concludes that expedited third-party discovery to ascertain Defendants' identities and the location and value of Defendants' financial accounts related to the sale of the counterfeit goods named in the Verified Complaint is necessary. Accordingly, a temporary restraining order is appropriate. For these reasons, it is hereby

ORDERED that Plaintiff's *Ex Parte* Motion for Temporary Asset Restraint and Expedited Discovery (Dkt. 28) is **GRANTED**; and it is further

ORDERED that PayPal shall immediately freeze all PayPal accounts associated with Defendants identified in Schedule A to the Verified Complaint and restrain and enjoin the transfer of any monies held in such accounts until further ordered by this Court; and it is further

ORDERED that Plaintiff may immediately serve limited discovery on PayPal sufficient to discover the amounts of any monies held by PayPal in association with Defendants identified in Schedule A to the Verified Complaint as well as any name, email address, address, telephone number, and bank account associated with such PayPal account(s); and it is further

ORDERED that Alipay shall immediately freeze all Alipay accounts associated with Defendants identified in Schedule A to the Verified Complaint and restrain and enjoin the transfer of any monies held in such accounts until further ordered by this Court; and it is further

ORDERED that Plaintiff may immediately serve limited discovery on Alipay sufficient to discover the amounts of any monies held by Alipay in association with Defendants identified in Schedule A to the Verified Complaint as well as any name, email address, address, telephone number, and bank account associated with such Alipay account(s); and it is further

ORDERED that Plaintiff may immediately serve limited discovery on eBay sufficient to discover the amounts of any monies held by eBay in association with Defendants identified in Schedule A to the Verified Complaint as well as any name, email address, address, telephone number, and bank account associated with such eBay account(s); and it is further

ORDERED that Plaintiff may immediately serve limited discovery on Wish sufficient to discover the amounts of any monies held by Wish in association with Defendants identified in Schedule A to the Verified Complaint as well as any name, email address, address, telephone number, and bank account associated with such Wish account(s); and it is further


ORDERED that Plaintiff may immediately serve limited discovery on AliExpress sufficient to discover the amounts of any monies held by AliExpress in association with Defendants identified in Schedule A to the Verified Complaint as well as any name, email address, address, telephone number, and bank account associated with such AliExpress account(s); and it is further

ORDERED that any information disclosed to Plaintiff in response to discovery issued pursuant to this Order may be used solely for the purpose of protecting Plaintiff's rights as set forth in the Verified Complaint; and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 65(c), Plaintiff shall post

cash or other security in the amount of \$1,000.00.

Entered this 8th day of June, 2023.
Alexandria, Virginia



Patricia Tolliver Giles
United States District Judge